

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**ELANDER WOODALL, Individually and
on Behalf of All Others Similarly Situated**

Plaintiff,

v.

**EVERGREEN PACKAGING, LLC AND
PACTIV EVERGREEN, INC.,**

Defendants.

Case No. 1:23-CV-459

Honorable Harry D. Leinenweber

**DEFENDANTS' MOTION FOR LEAVE TO FILE, *INSTANTER*, OPPOSITION TO
CONDITIONAL CERTIFICATION IN EXCESS OF 15 PAGES**

Defendants EVERGREEN PACKAGING LLC and PACTIV EVERGREEN INC. (hereinafter “Defendants”), by and through their attorneys, move this Court for leave to file, instanter, their Opposition to Conditional Certification (“Opposition”) in excess of 15 pages. In support of their Motion, Defendants state as follows:

1. On December 12, 2023, this Court granted Defendants’ request for an extension of time until December 22, 2023 to file their Opposition. [Dkt. 38].
2. Plaintiff seeks to certify a nationwide collective of hourly paid production workers who worked at any of the 66 facilities operated by Defendants. Defendants’ Opposition argues that Plaintiff cannot show that any other similarly situated employees were subjected to a common policy that violated the law, and that she has not identified any factual nexus that binds the plaintiffs together as victims of a particular violation of the overtime laws. *See Williams, et al. v. TopHAT Logistics, Inc., et al.*, Case No. 23-cv-1573, 2023 WL 8190366, at *6 (N.D. Ill. Nov. 27, 2023).

3. While Defendants' counsel attempted to adhere to the page limitations set by the Local Rules of this Court for its Opposition, given the complexities and variations presented by the putative collective that Plaintiff seeks to conditionally certify, Defendants had no choice but to spend significant time on the facts and arguments to oppose Plaintiff's Motion.

4. Defendants' Opposition, drafted in the format prescribed by Local Rule 5.2, consists of twenty-five (25) pages. In accordance with Local Rule 7.1, Defendants have therefore included a table of contents and table of cases.

5. Prior to filing this Motion, on December 22, 2023, counsel for Defendants contacted Plaintiff's counsel to determine whether he opposed Defendants Motion, and Defendants' counsel also advised Plaintiff's counsel that they would not object if Plaintiff required additional pages for her reply brief. Plaintiff's counsel has not yet responded. Plaintiffs will not be prejudiced by the requested extension of the page limit, but Defendants on the other hand will be prejudiced by the inability to present the facts, arguments and authorities that support their opposition.

6. This request for leave to file a brief in excess of 15 pages is made in good faith and is not sought for the purpose of delay or for extraneous discussion of the relevant issues. Granting the requested leave will not unduly prejudice Plaintiff.

7. Defendants further pray that the Court grant its Motion instanter in light of the response deadline set by this Court of December 22, 2023.

WHEREFORE, Defendants, EVERGREEN PACKAGING LLC and PACTIV EVERGREEN INC. respectfully request that this Court grant their Motion and permit Defendants to file, instanter, their Opposition to Plaintiffs' Motion for Conditional Certification, in excess of 15 pages.

Dated: December 22, 2023

/s/ John A. Ybarra

By Their Attorneys

John A. Ybarra, Bar No. 6196983

jybarra@littler.com

Shanthi V. Gaur, Bar No. 6224996

sgaur@littler.com

Matthew J. Ruza, Bar No. 6321424

mruza@littler.com

LITTLER MENDELSON, P.C.

321 North Clark Street

Suite 1100

Chicago, IL 60654

Telephone: 312.372.5520

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on December 22, 2023, he caused a copy of the foregoing document to be electronically filed with the Clerk of the U.S. District Court, Northern District of Illinois, using the CM/ECF system, which sent notification via electronic mail of such filing to the following Counsel of Record:

Josh Sanford
SANFORD LAW FIRM, PLLC
Kirkpatrick Plaza
10800 Financial Centre Pkwy, Suite 510
Little Rock, Arkansas 72211
josh@sanfordlawfirm.com

/s/ John A. Ybarra

John A. Ybarra